

# **MEDIATION**

**For CHILD CUSTODY and  
PARENTING TIME (“Visitation”) CASES  
PRE-DECREE VERSION**

**1**

**To Petition for Mediation  
WHEN NO ORDER HAS EVER  
BEEN ENTERED IN YOUR CASE**  
(Forms and Instructions)



## SELF-SERVICE CENTER

### PETITION FOR PRE-DECREE MEDIATION

This packet contains court forms and instructions to file a “***Petition for Pre-Decree Mediation***,” or if the parties are requesting Mediation together, a “***Joint Petition for Mediation***,” in a Family Court case involving custody and parenting time (“visitation”) issues involving the parties’ minor child(ren). Documents listed in **BOLD** are forms that are filed with the Court; Non-bold items are instructions or procedures pages. Do NOT copy or file those pages. The documents should appear in the following order:

Order	File Number	Title	No. Pp.
1	DRADM1t	Table of forms/instructions in this packet	1
2	DRADM1k	Checklist: Use these forms if . . .	1
3	DRADM11h	Instructions and Procedures for Requesting Pre-Decree Mediation	3
4	DRADM11f	<b>“<i>Petition for Pre-Decree Mediation</i>”</b>	1
5	DRADM12f	<b>“<i>Joint Petition for Pre-Decree Mediation</i>”</b>	1
6	DRAD21f	<b>Certificate of Service</b>	1
7	DRADM81f	<b>“<i>Order for Referral to Mediation</i>”</b>	1

#### WARNING

**YOU WILL HAVE TO PAY A \$200 FEE IF YOU FAIL TO ATTEND A SCHEDULED MEDIATION SESSION.**

**IF YOU CANNOT ATTEND, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION.**

**IF YOU REACH A FULL AGREEMENT ABOUT CUSTODY AND PARENTING TIME AND DO NOT PLAN TO COME TO THE MEDIATION SESSION, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AS SOON AS POSSIBLE OF THE SETTLEMENT TO AVOID PAYING THIS FEE.**

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

**SELF-SERVICE CENTER**  
**COURT FORMS AND INSTRUCTIONS TO PETITION FOR**  
**PRE-DECREE MEDIATION**

**CHECKLIST**

**Use the forms and instructions in this packet ONLY if the following factors apply to your situation:**

- ✓ You and the other party do **not** agree about the custody and parenting time ("visitation") issues in your case, **AND**
- ✓ You want to try mediation to resolve custody and/or parenting time issues, **AND**
- ✓ You have an existing case and case number in this Court and no final Judgment, Decree, or Order has ever been signed by a Judicial Officer under this case number. **AND**
- ✓ The existing case is for one of the following actions, involving the same child(ren) as in this case:
  - ***"Petition to Establish Paternity," OR***
  - ***"Petition to Establish Paternity, Custody, Parenting Time and Support," OR***
  - ***"Petition for Legal Separation With Children," OR***
  - ***"Petition for Dissolution of Marriage With Children (Divorce)," OR***
  - ***"Petition to Modify Custody and/or Parenting Time," OR***
  - ***"Petition for Grandparent Visitation,"***

**\*NOTE:** If this is a POST-Decree matter, meaning an Order, Judgment or Decree has been previously signed by a Judicial Officer in this case, you must use the POST-DECREE MEDIATION packet instead.

**READ ME:** When you file documents with the Court, you are acting as your own attorney. Your actions may seriously affect your legal rights and responsibilities. Consult a qualified legal professional to help guard against unwanted and unexpected results. The Self Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self Service Centers or on the web by clicking on the button to the right of "Lawyers and Mediators" at:  
<http://www.superiorcourt.maricopa.gov/ssc>

**SELF-SERVICE CENTER**  
**INSTRUCTIONS and PROCEDURES TO FILE A PETITION**  
**FOR PRE-DECREE MEDIATION**

**STEP 1      Select the correct petition.**

Use the “***Petition for Pre-Decree Mediation***” and “***Order***” if you are requesting Mediation by yourself, not jointly with the other party.

**OR**      Use the “***Joint Petition for Mediation***,” if both parties want to go to mediation and both parties will sign the joint petition.

**INSTRUCTIONS For Completing the “Petition”, and “Order”**

**STEP 1      Using black ink only, type or neatly print** the information requested in the top, left-hand corner of the document, ***unless***:

- **The other party does not know your current address; AND**
- **You do not want the other party to know your current address; AND**
- **There is a current Order of Protection in force; AND**
- **You requested that your address be protected on that Order.**

If all of the above are true, write “**protected**” in the space where the Court asks for your contact information and tell the Clerk of the Court your address and phone number at the time of filing so the Court can get in touch with you.

**NOTE:** If you are a victim of domestic violence, and you do not want your address to be known to protect yourself or your children, **you must file a “*Petition for an Order of Protection*”** and ask that your address **not** be disclosed to avoid having to put your address and phone number on these or other court papers that will be given to the other party.

If your case has an ATLAS number, write it on the line provided. Check the box to indicate whether you are represented by an attorney. If so, complete the attorney information section.

Then, write in the case number in the space provided at the top right portion of the form. Your case number begins with “**D**”, “**DR**”, or “**FC**”, **and** is the file number of your divorce, paternity, or family court case.

Write in the name of the Judge currently assigned to your case.

**STEP 2      Complete the caption** of the case as it appears on the court papers previously filed in this case (If you are the Petitioner in your pre-existing case in this Court, you stay Petitioner. If you were the Respondent, you are the Respondent here also).

**STEP 3      Fill in the “*Petition for Pre-Decree Mediation*” or the “*Joint Petition*”.**

1.      **Check the box** that tells the court whether you are getting divorced or seeking Paternity or “Other” such as Grandparent Visitation.
2.      **Check the box** that tells the court whether you and the other party have been through mediation before in this case.
3.      **Describe** the disagreement between you and the other party. Be brief. Be specific.
4.      **Complete** the information about the other parent. You **must** be able to provide this information to request Mediation services through the Court.

**5. Sign and date the “Petition for Mediation”.**

**STEP 4 Complete the “Order for Referral to Mediation.”**

1. You must complete this Order along with your “*Petition for Pre-Decree Mediation*”.

**STEP 5 Making copies/filing papers.**

**If filing the “Joint Petition for Pre-Decree Mediation”:**

- Both parties sign the document.
- Make three copies.
- File the original and copies with Conciliation Services.

Conciliation Services will then send an Order to Appear for a scheduled mediation session.

**STOP!** If you are filing jointly, you are done. The instructions *below* do not apply if you are filing jointly.

**If you are unable to get the notarized signature of the other party, use the “Motion for Pre-Decree Mediation”:**

- Fill out the Petition.
- Make **three** copies of the “*Petition for Pre-Decree Mediation*”.
- Make **four** copies of the “*Order for Referral to Mediation*”.
- File the original “*Petition for Pre-Decree Mediation*” with the Clerk of the Court.

NOTE: There is currently NO FEE for filing this request, however if this is your first “appearance” in the case, that is, you are the respondent and you did not file a response and this is the first time you or your attorney have filed papers in the case, you will have to pay an Appearance Fee of \$191. You may request a deferral or waiver of the fee at the time you file your papers. The Self-Service Center and the Filing Counter have the waiver or deferral forms.

1. **Mail or Deliver** a copy of the “*Petition for Pre-Decree Mediation*” to the other party.
2. **Deliver to the Judge’s mailbox at Family Court Administration:**
  - one copy of the “*Petition for Pre-Decree Mediation*”, AND
  - the **original** and **four** copies of the “*Order for Referral to Mediation*”, AND
  - **Either:**
    - a) a “**Certificate of Service**” completed and signed by you, stating when and how you delivered a copy of your motion requesting Mediation to the other party and to their attorney (if they have one), OR
    - b) an “**Acceptance of Service**,” with the notarized signature of the other party stating they received their copy. Available from the Self Service Center or from the web at: <http://superiorcourt.maricopa.gov/ssc>
3. Give the Judge a Self-Addressed Stamped Envelope for each party who will receive a signed copy of the order to attend the mediation session.
4. Conciliation Services will then send an Order to Appear to both parties after receiving the signed Order from the judge.

## CONCILIATION SERVICES ADDRESSES

### Central Court Building

201 West Jefferson, 3rd floor  
Phoenix, Arizona 85003

### Southeast Court Complex

222 East Javelina Drive, 1st floor  
Mesa, Arizona 85210

### Northwest Court Complex

14264 West Tierra Buena Lane  
Surprise, Arizona 85374

### Northeast Court Complex

18380 North 40<sup>th</sup> Street  
Phoenix, Arizona 85032

If mediation is scheduled, you and the other party will receive an ***“Order to Appear and Attend the Mediation”*** from the Conciliation Services Office.

**Note: You must have a case in this Court involving the children who are the subject of this dispute to use the mediation services provided by the Court. If you do not, you may still benefit from the services of a private mediator. See below for additional information on private mediation / dispute resolution.**

## WARNING

**You will have to pay a \$200 fee if you fail to attend a mediation session scheduled by the Court.**

**If you cannot attend, BOTH parties must notify conciliation services and receive permission to reschedule at least three (3) full Court days before the session.**

**If you reach full agreement on custody and parenting time issues and you do not plan to attend the Mediation, BOTH parties must notify Conciliation Services as soon as possible to avoid having to pay the \$200 fee!**

**PRIVATE Mediation/ADR** (Alternative Dispute Resolution) providers are an additional option. Some offer evening or weekend hours or other conveniences. Some churches, or other religious or social service organizations may offer family counseling, arbitration or mediation services. You may also find additional providers listed in the Maricopa County Directory of Human Services and Self-Help Support Groups, available at public libraries or by phone at 602-263-8856.

You may also find private providers in the Yellow Pages under “Arbitration” and “Mediation.” Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider.

The Court maintains a list of mediators that have met certain minimum requirements. You may view the lists at the Self-Service Centers or from our web site by clicking on the button to the right of “Lawyers and Mediators” at:

<http://www.superiorcourt.maricopa.gov/ssc>

As with hiring any private business for service, we recommend asking friends and relatives for referrals. You are responsible for all costs involved in using private providers.

Person Filing: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Daytime / Evening Phone: \_\_\_\_\_ / \_\_\_\_\_  
 In this case I am a: ☐ Petitioner or a ☐ Respondent ☐ Represented by Attorney  
 Attorney Name: \_\_\_\_\_ Bar No.: \_\_\_\_\_  
 Attorney Phone: \_\_\_\_\_ Atty. Email: \_\_\_\_\_  
 ATLAS No. (if applicable): \_\_\_\_\_

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

\_\_\_\_\_  
 Name of Petitioner

Case Number: \_\_\_\_\_  
 Current Judge: \_\_\_\_\_

\_\_\_\_\_  
 Name of Respondent

**PETITION FOR PRE-DECREE MEDIATION**

We **do not** agree about the custody and/or parenting-time issues involving our child(ren) and I ask that Conciliation Services set a mediation of the issues, based on the following:

**1. Check one box only.**

- ☐ **Divorce Pending:** My spouse or I have filed papers with the Court for divorce or legal separation. No final orders about legal custody or parenting time have been entered by the Judge.  
**OR**  
☐ **Paternity Pending:** The Father or Mother has filed papers with this Court to establish paternity of the child(ren). No final orders about legal custody or parenting time have been entered by the Judge.  
**OR**  
☐ **Other** (describe): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 2. Check one box only.** ☐ We have not participated in mediation **OR**  
☐ We have participated in mediation before.

- 3. Describe the disagreement.** Be brief and specific. (The disagreement must involve the custody and/or parenting time of your minor children): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 4. Information About Other Party:** Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip code: \_\_\_\_\_  
 Telephone Number(s): \_\_\_\_\_ / \_\_\_\_\_  
 Attorney (if known): \_\_\_\_\_

Date : \_\_\_\_\_

Signature of Person Submitting Motion for Mediation

**NOTICE TO BOTH PARTIES:** If your order is signed by the Judicial Officer, Conciliation Services will mail an "Order to Attend Mediation" to both parties. **WARNING: FAILURE TO ATTEND CARRIES A \$200 FEE.**

# SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

\_\_\_\_\_  
Name of Petitioner

Case Number: \_\_\_\_\_

ATLAS Number: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
Name of Respondent

Assigned to Judge: \_\_\_\_\_

## JOINT PETITION FOR PRE-DECREE MEDIATION

We do **not** agree about the custody and/or parenting time issues involving our child(ren), but we **do** agree to participate in mediation. We ask that the Court refer this matter to Conciliation Services for mediation of the issues, based on the following:

**1. Check one box only.**

☐ **Divorce or Separation Pending:** My spouse or I have filed papers with the Court for divorce or legal separation. No final orders about legal custody or parenting time have been entered by the Judge. (file petition and order with the assigned Judge.)

☐ **Paternity Order Pending:** The Father or Mother has filed papers with this court to decide who the father of our child(ren) is, and to decide legal custody and parenting time.

☐ **Other:** (please describe)

**2. Check one box only.**

☐ We **have not** participated in mediation before OR  
☐ We **have** participated in mediation before. If so, when and where?

When: \_\_\_\_\_ Where: \_\_\_\_\_

When: \_\_\_\_\_ Where: \_\_\_\_\_

**3. Describe the disagreement.** Be brief and specific. (The disagreement must involve the custody and/or parenting time of your minor child(ren)):

_____ <b>Date</b>	_____ <b>Signature of Petitioner</b>	_____ <b>Date</b>	_____ <b>Signature of Respondent</b>
Address: _____		Address: _____	
City, State, Zip Code: _____		City, State, Zip Code: _____	
Telephone Number: _____		Telephone Number: _____	
_____ Petitioner's Attorney (if applicable)		_____ Respondent's Attorney (if applicable)	

**NOTICE TO BOTH PARTIES:** After this Joint Petition is filed, Conciliation Services will mail an "Order to Attend Mediation" to both parties. **WARNING: THERE IS A \$200 FEE FOR FAILURE TO ATTEND!**



## CERTIFICATE OF SERVICE

**This page must be completed and attached to the last page of your Petition for Mediation.**

- **DO NOT USE IF FILING JOINT PETITION.**
- **NOT REQUIRED WHEN PARTIES SIGN AND FILE JOINTLY (TOGETHER).**

1. ☐ **I AM FILING FOR PRE-DECREE MEDIATION (and NOT using the Joint Petition).**

☐ I have filed the ORIGINAL of the attached "**Petition for Pre-Decree Mediation**" with the Clerk of the Superior Court on this date: \_\_\_\_\_, 20\_\_\_\_.  
Month Day Year

☐ I have mailed or delivered a COPY of the attached "**Petition for Pre-Decree Mediation**" to the Judge or other Judicial Officer assigned to this case, namely \_\_\_\_\_, on this date \_\_\_\_\_, 20\_\_\_\_.  
Name of Judicial Officer assigned to your case Month Day Year

**OR**

2. ☐ **I AM FILING FOR POST-DECREE MEDIATION (and not using the Joint Petition).**

☐ I have mailed, personally delivered, or caused to be delivered a COPY of the attached "**Petition for Post-Decree Mediation**" to the other party (ies) and his/her lawyer (if applicable) listed below, on this date: \_\_\_\_\_, 20\_\_\_\_.  
Month Day Year

***(You must mail or deliver a copy of all documents to the other side and his or her lawyer)***

\_\_\_\_\_  
Name of Other Side

\_\_\_\_\_  
Name of Other Side's Lawyer

\_\_\_\_\_  
Address

\_\_\_\_\_  
Lawyer's Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

**By signing below, I state under penalty of law that I have filed and/or mailed, delivered or caused to be delivered the attached document(s) as listed above. I understand that if I do not file/mail the attached document(s) as shown above, the Judicial Officer will not read my Petition.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Your signature

# SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

\_\_\_\_\_  
Name of Petitioner,

and

\_\_\_\_\_  
Name of Respondent

Case Number: \_\_\_\_\_

ATLAS Number: \_\_\_\_\_  
(if applicable)

## ORDER FOR REFERRAL TO MEDIATION

Based on the ***"Petition for Pre-Decree Mediation"*** and pursuant to Arizona Law,

☐ **IT IS ORDERED** referring this matter to Conciliation Services for screening to determine if Mediation is appropriate. If Mediation is deemed appropriate, it is further ordered that the parties participate in Mediation.

The parties will be notified of the Mediation date and time through a separate minute entry.

☐ **IT IS FURTHER ORDERED** that a copy of this ***"Order for Referral to Mediation"*** and a copy of the ***"Petition for Pre-Decree Mediation"*** shall be mailed immediately to parties who have appeared in this action.

DONE IN OPEN COURT: \_\_\_\_\_  
Judge/Commissioner of the Superior Court

**READ ME:** If your order for referral to Mediation is signed by a Judicial Officer, Conciliation Services will mail an "Order to Attend Mediation" to both parties.

**WARNING!**  
**THERE IS A \$200 FEE FOR FAILURE TO ATTEND THE MEDIATION!**

*Additionally, the Court may make such orders as it feels are just,  
including granting the relief requested by the party who does appear.*